

HALOCHOSCOPE

This week's and next week's question:

Someone baked a batch of *Chalah*, using up an entire bag of flour and disposing of it. Later on, other bags of flour, bought together with the used bag and stored in the same location, were found to be infested. May the baked *Chalos* be eaten? Would there be a special dispensation for *Oneg Shabbos*?

The issues:

This week:

- A) *Tola'im*, the prohibitions against eating bugs
- B) *Beryah*, the status of a complete whole creature that is forbidden to eat
- C) *Milben*, flour bugs

Next week:

- D) Does baking affect the issue of *tola'im*
- E) *Safek* and *Sfek-Sfaika*, levels of doubt, in this case
- F) Does the presence of bugs in one bag affect the status of another bag
- G) *Oneg Shabbos* and *Tzorech Shabbos* as reasons to relax the rules

A) *Tola'im*

Eating bugs is Scripturally forbidden. At the very least, four specific negative *mitzvos* are violated. Different *mitzvos* apply to land, water and flying creatures. According to most poskim, the *mitzvah* of *bal teshaketz*, not to do anything revolting, applies specifically to eating bugs. Insects are mentioned directly when the Torah gives this *mitzvah*, but some say it is a general *mitzvah*. Nonetheless, this violation is included in that general *mitzvah*. The eggs and larva of such bugs are also forbidden. Apparently, larva of flying bugs are included in their class, though they do not have wings. Some of the bugs usually found in flour are actually larva of flying moths. The moths lay eggs that hatch into crawling larva. One who eats a *sheret ha'aretz*, land-based insect, violates five *mitzvos*; a *sheret ha'of*, flying insect, carries four violations; and a *sheret hamayim*, water-based insect involves six *mitzvos*.

Some say that the land based bugs commonly found in our food supply fall into two categories: bugs that reproduce normally and bugs that are produced, seemingly, from decaying matter. Nowadays, it is assumed that all living organisms are reproduced in the normal way, and nothing can spontaneously come to life. However, it is possible that the concept of a 'non-reproductive' organism has more to do with the amount of contact between the 'parent' and the product. Thus, if an organism is formed by some sort of microscopic 'planting' of a 'seed' of some kind, it might fall into the second category. In any event, the difference would apply only to the type of *mitzvah* violated. All types of insects are forbidden.

For a bug to be prohibited, it must crawl on the ground, fly in the air, or live in qualifying bodies of water. The Talmud debates what qualifies as a body of water, and the poskim debate the meaning of the Talmud, and the conclusions. If a bug comes into existence outside one of these places, such as in a vessel of water or other liquid or in a fruit detached from the ground, it is not forbidden. For this reason, the bugs that infest cheese may be consumed. One need not examine the cheese. The bugs develop inside the cheese. However, care should be taken when a bug leaves the cheese. At this point it is *shoraitz al ha'aretz*, swarming or crawling on the ground, and is forbidden. If it should return to the cheese it would remain forbidden. The poskim debate whether the same applies to a bug that leaves the food but remains in the vessel, such as bugs in water.

An insect that is too small to be detected by the naked eye is not forbidden. The poskim point out that these bugs could not be forbidden, for if this were the case, we could not breathe the air. It is also full of microscopic living organisms. There is a question about insects that can be seen, but are too small to discern and identify. They appear as a speck, and only under a microscope can one tell that they are insects. The rule seems to be that if one could isolate the spot and place it on a finger nail, then examine it closely with the eyes, and one could tell, even with the aid of a lens, it is forbidden. In practical terms, this is something that could be very subjective. The issue then is whether this can be decided according to what experts, trained people, can see, or whether each person decides this according to what he sees. Some say that if a person with good eyesight can see it, it is forbidden to others as well. According to this view, one who does not have as good eyesight could not eat foods that require checking, if the expected insects could be seen with by one with better eyesight.

The actual bug must be seen. Visible evidence of its presence does not forbid the food automatically. Thus, if an insect that is too small to see with the eyes, but creates a hole or webbing, the food is still permitted. When the expected bugs would be big enough to be visible, such signs do forbid the food, until it is checked thoroughly, if this is at all possible. [See

B) Beryah

As with forbidden foods, there is a minimum amount that one has to consume to be liable for the Scriptural penalty of lashes. However, if one consumes an entire creature he is liable, regardless of its size. This known as a *berayah* (probably more correctly, *briyah*, a created thing). This should apply to any complete item of forbidden food. However, the Talmud debates whether it could apply to an inanimate item such as a kernel, and we follow those who qualify it as a living creature. It can also apply to a complete part of a living creature. Thus a limb, including bone and flesh, is considered a *berayah*.

The poskim debate the reason that a *berayah* is given this special status. Some say that in all such cases, the item was forbidden as a complete item as well as its meat. The terminology used to forbid it indicates this. The only meaning this could have would be to forbid a complete one even if it is less than the standard size. The other view maintains that it is simply because a complete creature is more prominent. The difference between these two applies in cases where the Torah terminology is either more or less specific.

To determine its *berayah* status, various qualifications are required. We have stated that it must be a living organism. It must also be complete. If it has a vital part removed,

it is no longer considered *berayah*. Some maintain that this must be a complete limb, or a part of a vital organ. Others say that even if a less vital part of the body is removed it loses its *berayah* status. According to many, it must have a different name or label when whole than its pieces have. A piece of *nevailah*, carcass, is called *nevailah* as well, and does not qualify. [The poskim debate 'name' or 'label. Some say it refers to its natural Hebrew name, while others maintain that it refers to its title as a forbidden item.] A piece of bug is not called a bug. Some maintain that the precept forbidding the item must be intrinsic to the item, rather than acquired from elsewhere. Thus a creature that is inherently forbidden can be considered *berayah*. An item that absorbed flavor, or that became forbidden after being killed the wrong way, cannot attain *berayah* status. This issue will be a factor in the flour bugs.

Most people don't eat a whole worm intact, nor would they consume an identifiable piece of one. To be liable for lashes one must eat the size or complete *berayah*, but to be forbidden even part is enough. The Talmud debates whether it is Scripturally forbidden. We follow the stringent view. According to this alone, the issue of *berayah* could be irrelevant. However, a major additional issue arises. Most items are neutralized with *bitul*, when they are mixed in an amount of neutral matter enough to make them insignificant. Usually, this is one part to sixty. A *berayah* is different. Rabbinically, due to its special status, it is not *bateil* in the same way. To be *bateil*, it must first lose its *berayah* status. Otherwise, some maintain that it is never *bateil*, and others say that it is *bateil*, but only in 960 parts of neutral food. The former is the accepted ruling, but the latter is applied in combination with enough other mitigating factors.

If a *berayah* was lost in a mixture, the entire mixture is forbidden, unless it can still be filtered or sifted. The existence of the *berayah* was known beforehand. Thus, in the case of bread baked with infested flour, if the assumption is made that the bugs did not disintegrate, the bread is forbidden. [See Makos 13a-b 16b-17a, Shevuos 21b, Chulin 96a 97b-98a 100a 102a-b, Poskim. Tur Sh. Ar. YD 100: esp. 1-2, commentaries.]

C) Milben, flour bugs

The debate about what constitutes *berayah* from its creation applies to the bugs in flour. In addition, the issue of when it becomes forbidden is raised. These bugs do not come with the wheat while it is growing. After milling, those bugs would have been reduced to broken parts, and would be *bateil*. These bugs are usually '*milben*', bugs, beetles or mites that either breed or swarm off the ground, (inside the flour) or the larva (little worms, the classic *milben*) of warehouse moths and other flying or ground crawling insects, and their eggs. One can also find ants and larger beetles when they are 'in season'.

Ants and other insects that clearly come from the outside, as well as fully developed moths, that could have come from elsewhere or could have developed in the flour and are ready to leave, are obviously considered *shoraitz al ha'aretz*. Our issue deals with those that came from within. These insects developed in the flour. If they never leave the flour they are permitted. For this reason, sifting the flour can also cause problems. The bugs that are separated by the sieve must be removed carefully to avoid letting them back. It is very possible that they never left the flour before and were previously permitted, but are now forbidden. On the other hand, if the consumer finds *milben* in the flour at his home, he does not know when they grew. If they grew before they were placed in his bag, the

transfer from one utensil to another is considered *shoraitz al ha'aretz* by many poskim. Therefore, if there is infestation, sifting is required. Furthermore, a fine sieve is needed. [75 mesh (holes/sq. in.) is recommended]. If the bugs are only half removed, then fall back in, we have a bigger problem than before. In practice, we consider flour bugs forbidden. There is always a doubt or possibility that they were *shoraitz al ha'aretz*. However, since it is based on this doubt, this, combined with certain other factors might be used to mitigate the question somewhat.

If the bugs move to the surface of the flour and crawl onto the bag and back into the flour, some poskim maintain that they are not considered *shoraitz al ha'aretz*. Some poskim also maintain that flour bugs could never attain the status of *beryah*. They do not start out forbidden, but become forbidden only after they leave the flour. Others debate this point, as mentioned earlier.


Flour can be infested commonly, depending on the climate, locale, quality of wheat, packaging, storage in the warehouse or store, or the turnover. The earlier poskim considered it to be slightly expected, i.e. a minority chance. This makes *bedikah*, examination, obligatory. In *Eretz Yisroel*, where there is moderate infestation, it is considered slightly expected. If it is found to be definitely infested, it is hard to sift thoroughly. Some poskim maintain that such flour should not be used at all.

In the US there is no hard and fast rule. This is due to the enforcement of hygiene regulations. The infestation referred to can only begin after milling. The poskim differ on the length of time after which one need to suspect that infestation can begin. The range is from twelve hours, or even six, to a few days. An efficient mill can avoid any chance of infestation by packing the flour and sealing it quickly. They also have regular exterminations, often mandated by the authorities. In a business environment where others sell uninfested flour, no-one wants to gain a reputation for selling infested products.

However, stores are not always on top of the issue. Homes can certainly become infested by warehouse moths, beetles and ants. They will get into any tiny opening, lay eggs (except ants, who lay their eggs in nests) and droppings, and leave a trail of webbing. They do not limit themselves to one product. All packages should be sealed tightly between openings. Frozen flour will not get infested. Even refrigerated flour will stay uninfested for much longer. [See Tur Sh Ar YD 84:1 5, commentaries.]

On the Parsha ... Hashem threatened to destroy Yisroel. Moshe pleaded to spare them. Then Moshe saw the people were exposed, and had the perpetrators killed. Moshe knew that only the perpetrators deserved death. Nonetheless, Moshe recognized that the entire people's evil had become 'exposed'. What was the dialog between Hashem and Moshe? Perhaps Hashem was saying that if the perpetrators would be permitted to blend and merge with the people, they could not be *bateil*, because they were too prominent, and the entire *klal*/mixture would be considered guilty. Moshe responded that in this case, even the perpetrators would have to be acquitted (*Sanhedrin*79b). Hashem said that they had tainted the others. Moshe assured Hashem that he would find the perpetrators and purge them from the 'mixture'. As for the tainting of evil from the mingling, the flavor of a *beryah* could be *bateil*, i.e., get a *kaparah*.



Sponsored in honor of Avi Bass and Impact Aliyah. 

© Rabbi Shimon Silver, February 2008.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com